

REMARKS

Claims 1-4, 6, 8-16, 18 through 21 are pending in the application. Claims 20 and 21 are newly presented to provide the Applicant with a scope of protection commensurate with their contribution to the art. Applicant submits that support for the new claims may be found throughout the application, claims and drawings as originally filed and as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

AMENDMENTS TO CLAIMS & SPECIFICATION AND REJECTIONS UNDER 35 U.S.C. §§ 102 & 103

Claims 1-4, 6, and 8-16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bone (U.S. Pat. No. 6,286,611). Claims 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bone (U.S. Pat. No. 6,286,611) in view of Curtiss (U.S. Pat. No. 4,274,304). These rejections are respectfully rendered moot.

Applicant initially notes that the inventorship entity of the present application has changed to include Daniel Bone in view of newly presented Claims 20 and 21. Applicant has submitted a request to correct inventorship under 37 C.F.R. §1.48(c), along with a statement of the added inventor, an executed declaration, an assignment, an establishment of assignee's right to prosecute under 37 CFR 3.73(b), the written consent of the assignee, and the processing fee set forth in 37 C.F.R. §1.17(i).

Applicant further notes that the present application was co-pending with the application that matured into the '611 patent and given that the present application and the application that matured into the '611 patent now have a common inventor, Applicant may claim priority to the '611 patent, thus removing it from the prior art.

Accordingly, an amendment has been made to the specification to present a claim of priority to U.S. Patent Application No. 09/139,200 filed August 25, 1998 entitled "Power Tool Having Interchangeable Tool Head", which issued as U.S. Patent No. 6,286,611 on September 11, 2001.

Due to an unintentional delay in presenting the claim of priority, Applicant has submitted a petition and associated fee as required by 37 C.F.R. §1.78(a)(3).

In view of the claim to priority, Applicant asserts that the rejections under 35 U.S.C. §§102(e) and 103(a) cannot be maintained. Hence, Applicant requests reconsideration and withdrawal of the rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a).

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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